APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,219	04/26/2001	Shunpei Yamazaki	12732-032001 / US4867	5375

26171   7590   12/12/2007

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
2131	

MAIL DATE	DELIVERY MODE
12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Office Action Summary	Application No.	Applicant(s)
	09/842,219	YAMAZAKI ET AL.
	Examiner	**Art Unit**
	Matthew T. Henning	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 September 2007_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,26,51 and 54-85_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,26,51 and 54-85_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _26 April 2001_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

       1. ☒ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

1   This action is in response to the communication filed on 9/28/2007.

2   **DETAILED ACTION**

3

4

5

6   *Continued Examination Under 37 CFR 1.114*

7   A request for continued examination under 37 CFR 1.114, including the fee set forth in

8   37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

9   eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

10   has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

11   37 CFR 1.114. Applicant's submission filed on 9/10/2007 has been entered.

12   *Response to Arguments*

13   Applicants' arguments filed 9/10/2007 have been fully considered but they are moot in

14   view of the new grounds of rejection presented below.

15   Claims 1, 26, 51, and 54-83, as well as new independent claims 84-85 have been

16   examined. Claims 2-25, 27-50, and 52-53 have been cancelled.

17   All objections and rejections not set forth below have been withdrawn.

18

19   *Specification*

20   The specification is objected to as failing to provide proper antecedent basis for the

21   claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the

22   following is required: In this case, the specification is silent with respect to the newly added

1   limitation that "the portable communication device is configured to communicate with the server

2   only after the read biological information and the stored biological information have matched".

3   See the rejections under 35 USC 112 1st Paragraph below.

4   *Claim Rejections - 35 USC § 112*

5   The following is a quotation of the first paragraph of 35 U.S.C. 112:

6   The specification shall contain a written description of the invention, and of the manner and process of making
7   and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
8   pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
9   contemplated by the inventor of carrying out his invention.
10
11   Claims 1, 36, 51, and 54-83 are rejected under 35 U.S.C. 112, first paragraph, as failing

12   to comply with the written description requirement. The claim(s) contains subject matter which

13   was not described in the specification in such a way as to reasonably convey to one skilled in the

14   relevant art that the inventor(s), at the time the application was filed, had possession of the

15   claimed invention. Although the specification does provide support for the fact that the portable

16   communication device does not require assistance from the server to perform the biometric

17   identification of the user of the device, the specification is silent with respect to the newly recited

18   limitation that "the portable communication device is configured to communicate with the server

19   only after the read biological information and the stored biological information have matched".

20   Further, the sections cited by the applicants as allegedly showing support for this limitation, the

21   examiner does not see where the support is located in these sections of the specification. If the

22   applicants wish to contend that this limitation is supported by the specification, the examiner

23   would appreciate an explanation of how the support can be found.

24

25

1   *Claim Rejections - 35 USC § 103*

2   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

3   obviousness rejections set forth in this Office action:

4   (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
5   section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
6   such that the subject matter as a whole would have been obvious at the time the invention was made to a person
7   having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
8   manner in which the invention was made.
9

10   Claims 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al.

11   (US Patent Number 6,219,793) hereinafter referred to as Li.

12   Li disclosed a system for identifying an individual to identify a client, said system

13   comprising: a storing means for storing the biological information of the client (See Li Fig. 4

14   Element 404, Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a reading means for reading the

15   biological information of the client (See Li Fig. 4 Element 417); a checking means for checking

16   the read biological information with the stored biological information (See Li Fig. 4 Element 401

17   and Col. 12 Lines 8-36); and a transmitting means for transmitting information to the server that

18   the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9), wherein

19   after transmitting information that the checking has matched to the server, a personal

20   identification number information is sent to the server (See Li Col. 15 Paragraphs 3-4) and that

21   upon providing the personal identification number information to the server, the stored biological

22   information can be rewritten (See Li Col. 15 Paragraphs 3-4), but failed to specifically disclose

23   that in a case that the personal identification number matches with a number stored at the server

24   the stored biological information can be rewritten.

25   However, it would have been obvious to the ordinary person skilled in the art that in the

26   case that the master user's personal identification number information matched a number stored

1   at the server that the stored biological information could be rewritten. This would have been

2   obvious because the ordinary person skilled in the art would have been motivated to allow an

3   authorized user (a user who's fingerprint matches the master users fingerprint) to update the

4   biological information.

5

6   Claims 1, 26, 51, and 54-56, 59-70, 73-83 are rejected under 35 U.S.C. 103(a) as being

7   unpatentable over Li et al. (US Patent Number 6,219,793) hereinafter referred to as Li, and

8   further in view of Nagayoshi et al. (US Patent Number 6,839,798) hereinafter referred to as

9   Nagayoshi, and further in view of Scott et al. (US Patent Number 6,760,324) hereinafter referred

10   to as Scott.

11

12   Regarding claims 1 and 26, Li disclosed a system for identifying a client (See Li

13   Abstract), the system comprising a server and a portable communication device, wherein the

14   portable communication device comprises: a memory for storing at least one reference biological

15   information of the client using the portable communication device (See Li Fig. 4 Element 404,

16   Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a sensor for reading at least one biological

17   information of the client (See Li Fig. 4 Element 417); a checking circuit for checking the read

18   biological information with the stored biological information (See Li Fig. 4 Element 401 and

19   Col. 12 Lines 8-36); and a transmitting circuit for transmitting information that the read

20   biological information and the stored biological information have matched to the server in a case

21   where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9),

22   wherein the server is configured to transmit the information that the read biological information

1   and the stored biological information have matched to a final end of transaction configured to

2   start a transaction with the client conditioned upon receipt of the information that the read

3   biological information and the stored biological information have matched (See Li Col. 16

4   Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile memory;

5   or a second server, a transmitting circuit for transmitting information that the read biological

6   information and the stored biological information have matched to the second server in a case

7   where the checking has matched, wherein the second server is configured to transmit the

8   information that the read biological information and the stored biological information have

9   matched to a final end of transaction configured to start a transaction with the client conditioned

10   upon receipt of the information that the read biological information and the stored biological

11   information have matched, wherein the portable communication device is configured to

12   communicate with the second server only after the read biological information and the stored

13   biological information have matched.

14   However, Li did disclose that the portable communication device could be a phone (See

15   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

16   fingerprint capturing device including program code for processing, as well as temporary data (

17   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

18   protocol to complete the connection" once the connection was authorized.

19   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

20   Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

21   rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

22   1 Lines 6-18).

1   It would have been obvious to the ordinary person skilled in the art at the time of

2   invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

3   flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because

4   the ordinary person skilled in the art would have been motivated to provide the needed memory

5   to Li in a small packaging area at a small cost.

6   Scott teaches that in a telephone system, a phone call can be placed from one PSTN to

7   another PSTN over the Internet using Voice over IP and two gateway servers, one on each end

8   of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

9   It would have been obvious to the ordinary person skilled in the art at the time of

10   invention to employ the teachings of Scott in the telephone communication system of Li by

11   connecting the telephone communication from the phone 102 to the recipient of the

12   communication via the system of Scott. This would have been obvious because the ordinary

13   person skilled in the art would have been motivated to bypass expensive long distance carriers.

14   In this combination, the server which reads fully on the claim language is the Gateway Server

15   220, which would not receive a connection from the phone until the connection was authorized,

16   as taught by Li, and would receive the information that the read biological information and the

17   stored biological information have matched to a final end of transaction configured to start a

18   transaction with the client conditioned upon receipt of the information that the read biological

19   information and the stored biological information have matched.

20

21   Regarding claim 51, Li disclosed a business method using the Internet, said business

22   method comprising: identifying a client by an identifying element loaded in a portable

1   communication device (See Li Fig. 1 Elements 101, 102, and 112 and Fig. 4); and controlling a

2   communication between the client and a plurality of dealers (See Li Fig. 2 Element 202) by a

3   control element in a server (See Li Abstract, and Figs. 3A and 3B); wherein said identifying

4   comprises: storing a reference biological information of the client in a memory in the portable

5   communication device (See Li Fig. 4 Element 404 and Col. 10 Lines 57-65 and Col. 12 Lines

6   20-27); reading biological information of the client (See Li. Col. 10 Lines 57-58); checking the

7   read biological information with the reference biological information (See Li Col. 10 Lines 61-

8   65); and transmitting information that the read biological information and the reference

9   biological information have matched from the identifying element to the control element in a

10   case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-

11   9), and wherein said controlling step comprises: admitting the communication between the client

12   and the plurality of dealers after identifying the client by the identifying element (See Li Col. 11

13   Lines 19-60); and providing a password to the client (See Li Col. 10 Lines 48-56), and wherein

14   the server is configured to transmit the information that the read biological information and the

15   stored biological information have matched to a final end of transaction configured to start a

16   transaction with the client conditioned upon receipt of the information that the read biological

17   information and the stored biological information have matched (See Li Col. 16 Paragraph 2),

18   but Li failed to specifically disclose that memory 404 was a nonvolatile memory; or a second

19   server, a transmitting circuit for transmitting information that the read biological information and

20   the stored biological information have matched to the second server in a case where the checking

21   has matched, wherein the second server is configured to transmit the information that the read

22   biological information and the stored biological information have matched to a final end of

1   transaction configured to start a transaction with the client conditioned upon receipt of the

2   information that the read biological information and the stored biological information have

3   matched, wherein the portable communication device is configured to communicate with the

4   second server only after the read biological information and the stored biological information

5   have matched.

6   However, Li did disclose that the portable communication device could be a phone (See

7   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

8   fingerprint capturing device including program code for processing, as well as temporary data (

9   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

10 protocol to complete the connection" once the connection was authorized.

11   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

12 Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

13 rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

14 1 Lines 6-18).

15   It would have been obvious to the ordinary person skilled in the art at the time of

16 invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

17 flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because

18 the ordinary person skilled in the art would have been motivated to provide the needed memory

19 to Li in a small packaging area at a small cost.

20   Scott teaches that in a telephone system, a phone call can be placed from one PSTN to

21 another PSTN over the Internet using Voice over IP and two gateway servers, one on each end

22 of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

1   It would have been obvious to the ordinary person skilled in the art at the time of

2   invention to employ the teachings of Scott in the telephone communication system of Li by

3   connecting the telephone communication from the phone 102 to the recipient of the

4   communication via the system of Scott. This would have been obvious because the ordinary

5   person skilled in the art would have been motivated to bypass expensive long distance carriers.

6   In this combination, the server which reads fully on the claim language is the Gateway Server

7   220, which would not receive a connection from the phone until the connection was authorized,

8   as taught by Li, and would receive the information that the read biological information and the

9   stored biological information have matched to a final end of transaction configured to start a

10   transaction with the client conditioned upon receipt of the information that the read biological

11   information and the stored biological information have matched.

12

13   Regarding claim 83, Li disclosed a system for identifying a client, said system

14   comprising: a server (See Li Fig. 1 Element 106); a storing means comprising memory for

15   storing reference biological information of the client (See Li Fig. 4 Element 404); a reading

16   means for reading biological information of the client (See Li Fig. 4 Element 101); a checking

17   means for checking the read biological information with the reference biological information

18   (See Li Col. 10 Lines 61-65); a transmitting means for transmitting information that the read

19   biological information and the reference biological information have matched to the server in a

20   case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-

21   9); a final end of transaction (See Li Fig. 3B Step 319 Recipient and Col. 16 Paragraph 2); a

22   further transmitting means for transmitting said information that the read biological information

1   and the reference biological information have matched from the server to the final end of

2   transaction with the client (See Li Fig. 3B Step 319 and Col. 16 Paragraph 2); and a transaction

3   starting means for starting a transaction between the client and the final end of transaction after

4   the final end of transaction has received said information that the read biological information and

5   the reference biological information have matched (See Li Fig. 3B Steps 316 and 319 and Col.

6   16 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile

7   memory; or a second server, a transmitting circuit for transmitting information that the read

8   biological information and the stored biological information have matched to the second server

9   in a case where the checking has matched, wherein the second server is configured to transmit

10   the information that the read biological information and the stored biological information have

11   matched to a final end of transaction configured to start a transaction with the client conditioned

12   upon receipt of the information that the read biological information and the stored biological

13   information have matched, wherein the portable communication device is configured to

14   communicate with the second server only after the read biological information and the stored

15   biological information have matched.

16   However, Li did disclose that the portable communication device could be a phone (See

17   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

18   fingerprint capturing device including program code for processing, as well as temporary data (

19   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

20   protocol to complete the connection" once the connection was authorized.

21   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

22   Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

1   rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

2   1 Lines 6-18).

3   It would have been obvious to the ordinary person skilled in the art at the time of

4   invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

5   flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because

6   the ordinary person skilled in the art would have been motivated to provide the needed memory

7   to Li in a small packaging area at a small cost.

8   Scott teaches that in a telephone system, a phone call can be placed from one PSTN to

9   another PSTN over the Internet using Voice over IP and two gateway servers, one on each end

10   of the Internet (See Scott Fig. 2 and Col. 6 Line 23 – Col. 7 Line 15).

11   It would have been obvious to the ordinary person skilled in the art at the time of

12   invention to employ the teachings of Scott in the telephone communication system of Li by

13   connecting the telephone communication from the phone 102 to the recipient of the

14   communication via the system of Scott. This would have been obvious because the ordinary

15   person skilled in the art would have been motivated to bypass expensive long distance carriers.

16   In this combination, the server which reads fully on the claim language is the Gateway Server

17   220, which would not receive a connection from the phone until the connection was authorized,

18   as taught by Li, and would receive the information that the read biological information and the

19   stored biological information have matched to a final end of transaction configured to start a

20   transaction with the client conditioned upon receipt of the information that the read biological

21   information and the stored biological information have matched.

Regarding claims 54 and 66, Li, Nagayoshi, and Scott disclosed that the memory stores a plurality of biological information of the client (See Li Col. 15 Paragraph 3 and Col. 3 Paragraph 3 and Col. 10 Paragraph 4), and the transmitting circuit transmits information that the read biological information has matched with at least one of the stored plurality of information to the server (See Li Col. 11 Lines 3-9).

Regarding claims 55 and 67, Li, Nagayoshi, and Scott disclosed that the sensor reads a plurality of biological information of the client (See Li Col. 15 Paragraph 4), and the transmitting circuit transmits information that each of the plurality of read biological information has matched with at least one of the plurality of stored biological information (See Li Col. 11 Lines 3-9).

Regarding claims 56 and 68, Li, Nagayoshi, and Scott disclosed that the information that the read biological information and the stored biological information have matched is transmitted to the server through the Internet (See Li Col. 7 Paragraph 2).

Regarding claims 59-60, 73-74, and 78-79, Li, Nagayoshi, and Scott disclosed that the biological information is one selected from the group consisting of a fingerprint, a palm pattern and a voice print; and that the palm pattern is a whole pattern of the palm or a pattern of a part of the palm (See Li Col. 6 Paragraph 3 and Col. 17 Paragraph 3).

Regarding claim 61, Li, Nagayoshi, and Scott disclosed that the memory includes a flash memory (See the rejection of claim 1 above).

Regarding claim 62, Li, Nagayoshi, and Scott disclosed that the sensor includes one of a photodiode and a CCD (See Li Col. 4 Paragraph 6).

1   Regarding claims 63-65, 75-77, and 80-82, Li, Nagayoshi, and Scott disclosed that the

2   portable communication device comprises a portable information terminal; a portable telephone;

3   a personal computer (See Li Col. 5 Line 66 – Col. 6 Line 14).

4   Regarding claims 69-70, Li, Nagayoshi, and Scott disclosed a step of transmitting

5   information that the checking has matched from the server to a connection of the client; and that

6   a transaction is started between the client and the connection after the connection has received

7   information that the checking has matched (See Li Col. 16 Paragraph 2).

8   Claims 1, 26, 51, and 54-83 are rejected under 35 U.S.C. 103(a) as being unpatentable

9   over Li et al. (US Patent Number 6,219,793) hereinafter referred to as Li, and further in view of

10   Nagayoshi et al. (US Patent Number 6,839,798) hereinafter referred to as Nagayoshi, and further

11   in view of Teitelbaum (US Patent Number 5,872,834).

12   Regarding claims 1 and 26, Li disclosed a system for identifying a client (See Li

13   Abstract), the system comprising a server and a portable communication device, wherein the

14   portable communication device comprises: a memory for storing at least one reference biological

15   information of the client using the portable communication device (See Li Fig. 4 Element 404,

16   Col. 10 Lines 57-65 and Col. 12 Lines 20-27); a sensor for reading at least one biological

17   information of the client (See Li Fig. 4 Element 417); a checking circuit for checking the read

18   biological information with the stored biological information (See Li Fig. 4 Element 401 and

19   Col. 12 Lines 8-36); and a transmitting circuit for transmitting information that the read

20   biological information and the stored biological information have matched to the server in a case

21   where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-9),

22   wherein the server is configured to transmit the information that the read biological information

1   and the stored biological information have matched to a final end of transaction configured to

2   start a transaction with the client conditioned upon receipt of the information that the read

3   biological information and the stored biological information have matched (See Li Col. 16

4   Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile memory;

5   or that the portable communication device is configured to communicate with the server only

6   after the read biological information and the stored biological information have matched.

7   However, Li did disclose that the portable communication device could be a phone (See

8   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

9   fingerprint capturing device including program code for processing, as well as temporary data (

10   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

11   protocol to complete the connection" once the connection was authorized.

12   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

13   Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

14   rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

15   1 Lines 6-18).

16   It would have been obvious to the ordinary person skilled in the art at the time of

17   invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

18   flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious <u>because</u>

19   the ordinary person skilled in the art would have been motivated to provide the needed memory

20   to Li in a small packaging area at a small cost.

21   Teitelbaum teaches that in order to protect device, such as a telephone, from having its

22   features accessed by an illicit user, the phone should store biometric data of authorized users in

1   the phone, capture biometric input from a user, and compare the captured biometric information

2   with the stored biometric information, and in the event that there is a match, allowing access to

3   the features of the phone, and in the event that there is not a match, disabling the phone (See

4   Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

5   It would have been obvious to the ordinary person skilled in the art at the time of

6   invention to employ the teachings of Teitelbaum in the communication authentication system of

7   Li and Nagayoshi by storing biometric information of valid users of the communication device in

8   the device, capturing the users biometric data by the device, and comparing the two for a match,

9   and in the event of a match allowing the user to access the features of the phone, and in the event

10   of no match, disabling the phone. This would have been obvious because the ordinary person

11   skilled in the art would have been motivated to protect all of the features of the communication

12   device from illicit use.

13   Regarding claim 51, Li disclosed a business method using the Internet, said business

14   method comprising: identifying a client by an identifying element loaded in a portable

15   communication device (See Li Fig. 1 Elements 101, 102, and 112 and Fig. 4); and controlling a

16   communication between the client and a plurality of dealers (See Li Fig. 2 Element 202) by a

17   control element in a server (See Li Abstract, and Figs. 3A and 3B); wherein said identifying

18   comprises: storing a reference biological information of the client in a memory in the portable

19   communication device (See Li Fig. 4 Element 404 and Col. 10 Lines 57-65 and Col. 12 Lines

20   20-27); reading biological information of the client (See Li. Col. 10 Lines 57-58); checking the

21   read biological information with the reference biological information (See Li Col. 10 Lines 61-

22   65); and transmitting information that the read biological information and the reference

1   biological information have matched from the identifying element to the control element in a

2   case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-

3   9), and wherein said controlling step comprises: admitting the communication between the client

4   and the plurality of dealers after identifying the client by the identifying element (See Li Col. 11

5   Lines 19-60); and providing a password to the client (See Li Col. 10 Lines 48-56), and wherein

6   the server is configured to transmit the information that the read biological information and the

7   stored biological information have matched to a final end of transaction configured to start a

8   transaction with the client conditioned upon receipt of the information that the read biological

9   information and the stored biological information have matched (See Li Col. 16 Paragraph 2),

10   but Li failed to specifically disclose that memory 404 was a nonvolatile memory; or that the

11   portable communication device is configured to communicate with the server only after the read

12   biological information and the stored biological information have matched.

13   However, Li did disclose that the portable communication device could be a phone (See

14   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

15   fingerprint capturing device including program code for processing, as well as temporary data (

16   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

17   protocol to complete the connection" once the connection was authorized.

18   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

19   Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

20   rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

21   1 Lines 6-18).

1   It would have been obvious to the ordinary person skilled in the art at the time of

2   invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

3   flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because

4   the ordinary person skilled in the art would have been motivated to provide the needed memory

5   to Li in a small packaging area at a small cost.

6   Teitelbaum teaches that in order to protect device, such as a telephone, from having its

7   features accessed by an illicit user, the phone should store biometric data of authorized users in

8   the phone, capture biometric input from a user, and compare the captured biometric information

9   with the stored biometric information, and in the event that there is a match, allowing access to

10   the features of the phone, and in the event that there is not a match, disabling the phone (See

11   Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

12   It would have been obvious to the ordinary person skilled in the art at the time of

13   invention to employ the teachings of Teitelbaum in the communication authentication system of

14   Li and Nagayoshi by storing biometric information of valid users of the communication device in

15   the device, capturing the users biometric data by the device, and comparing the two for a match,

16   and in the event of a match allowing the user to access the features of the phone, and in the event

17   of no match, disabling the phone. This would have been obvious because the ordinary person

18   skilled in the art would have been motivated to protect all of the features of the communication

19   device from illicit use.

20

21   Regarding claim 83, Li disclosed a system for identifying a client, said system

22   comprising: a server (See Li Fig. 1 Element 106); a storing means comprising memory for

1   storing reference biological information of the client (See Li Fig. 4 Element 404); a reading

2   means for reading biological information of the client (See Li Fig. 4 Element 101); a checking

3   means for checking the read biological information with the reference biological information

4   (See Li Col. 10 Lines 61-65); a transmitting means for transmitting information that the read

5   biological information and the reference biological information have matched to the server in a

6   case where the checking has matched (See Li Fig. 4 Elements 402 and 102 and Col. 11 Lines 3-

7   9); a final end of transaction (See Li Fig. 3B Step 319 Recipient and Col. 16 Paragraph 2); a

8   further transmitting means for transmitting said information that the read biological information

9   and the reference biological information have matched from the server to the final end of

10   transaction with the client (See Li Fig. 3B Step 319 and Col. 16 Paragraph 2); and a transaction

11   starting means for starting a transaction between the client and the final end of transaction after

12   the final end of transaction has received said information that the read biological information and

13   the reference biological information have matched (See Li Fig. 3B Steps 316 and 319 and Col.

14   16 Paragraph 2), but Li failed to specifically disclose that memory 404 was a nonvolatile

15   memory; or that the portable communication device is configured to communicate with the

16   server only after the read biological information and the stored biological information have

17   matched.

18   However, Li did disclose that the portable communication device could be a phone (See

19   Li Fig. 1), and that the memory 404 stored at least those items necessary to the operation of the

20   fingerprint capturing device including program code for processing, as well as temporary data (

21   See Li Col. 12 Lines 20-27), and Li further disclosed the use of "routine present-day calling

22   protocol to complete the connection" once the connection was authorized.

1   Nagayoshi teaches a flash memory device, which can be used in a mobile phone (See

2   Nagayoshi Col. 1 Lines 12-18 and Col. 3 Lines 43-46), for storing nonvolatile data such as

3   rewritten data (See Nagayoshi Col. 1 Lines 60-64) as well as program data (See Nagayoshi Col.

4   1 Lines 6-18).

5   It would have been obvious to the ordinary person skilled in the art at the time of

6   invention to employ the teaching of Nagayoshi in the mobile phone system of Li by using the

7   flash memory of Nagayoshi as the memory 404 in Li. This would have been obvious because

8   the ordinary person skilled in the art would have been motivated to provide the needed memory

9   to Li in a small packaging area at a small cost.

10   Teitelbaum teaches that in order to protect device, such as a telephone, from having its

11   features accessed by an illicit user, the phone should store biometric data of authorized users in

12   the phone, capture biometric input from a user, and compare the captured biometric information

13   with the stored biometric information, and in the event that there is a match, allowing access to

14   the features of the phone, and in the event that there is not a match, disabling the phone (See

15   Teitelbaum, Col. 12 Line 22 - Col. 13 Line 7).

16   It would have been obvious to the ordinary person skilled in the art at the time of

17   invention to employ the teachings of Teitelbaum in the communication authentication system of

18   Li and Nagayoshi by storing biometric information of valid users of the communication device in

19   the device, capturing the users biometric data by the device, and comparing the two for a match,

20   and in the event of a match allowing the user to access the features of the phone, and in the event

21   of no match, disabling the phone. This would have been obvious because the ordinary person

1   skilled in the art would have been motivated to protect all of the features of the communication

2   device from illicit use.

3   Regarding claims 54 and 66, Li, Nagayoshi, and Teitelbaum disclosed that the memory

4   stores a plurality of biological information of the client (See Li Col. 15 Paragraph 3 and Col. 3

5   Paragraph 3 and Col. 10 Paragraph 4), and the transmitting circuit transmits information that the

6   read biological information has matched with at least one of the stored plurality of information to

7   the server (See Li Col. 11 Lines 3-9).

8   Regarding claims 55 and 67, Li, Nagayoshi, and Teitelbaum disclosed that the sensor

9   reads a plurality of biological information of the client (See Li Col. 15 Paragraph 4), and the

10   transmitting circuit transmits information that each of the plurality of read biological information

11   has matched with at least one of the plurality of stored biological information (See Li Col. 11

12   Lines 3-9).

13   Regarding claims 56 and 68, Li, Nagayoshi, and Teitelbaum disclosed that the

14   information that the read biological information and the stored biological information have

15   matched is transmitted to the server through the Internet (See Li Col. 7 Paragraph 2).

16   Regarding claims 57 and 71, Li, Nagayoshi, and Teitelbaum disclosed that after

17   transmitting information that the checking has matched to the server, a personal identification

18   number information is sent to the Server (See Li Col. 15 Paragraphs 3-4).

19   Regarding claims 58 and 72, Li, Nagayoshi, and Teitelbaum disclosed that in a case that

20   the personal identification number matches with a number stored at the server, the stored

21   biological information is rewritable (See Li Col. 15 Paragraph 3).

1   Regarding claims 59-60, 73-74, and 78-79, Li, Nagayoshi, and Teitelbaum disclosed that

2   the biological information is one selected from the group consisting of a fingerprint, a palm

3   pattern and a voice print; and that the palm pattern is a whole pattern of the palm or a pattern of a

4   part of the palm (See Li Col. 6 Paragraph 3 and Col. 17 Paragraph 3).

5   Regarding claim 61, Li, Nagayoshi, and Teitelbaum disclosed that the memory includes a

6   flash memory (See the rejection of claim 1 above).

7   Regarding claim 62, Li, Nagayoshi, and Teitelbaum disclosed that the sensor includes

8   one of a photodiode and a CCD (See Li Col. 4 Paragraph 6).

9   Regarding claims 63-65, 75-77, and 80-82, Li, Nagayoshi, and Teitelbaum disclosed that

10   the portable communication device comprises a portable information terminal; a portable

11   telephone; a personal computer (See Li Col. 5 Line 66 – Col. 6 Line 14).

12   Regarding claims 69-70, Li, Nagayoshi, and Teitelbaum disclosed a step of transmitting

13   information that the checking has matched from the server to a connection of the client; and that

14   a transaction is started between the client and the connection after the connection has received

15   information that the checking has matched (See Li Col. 16 Paragraph 2).

16

17

18   *Conclusion*

19   Claims 1, 26, 51, and 54-85 have been rejected.

20   Any inquiry concerning this communication or earlier communications from the

21   examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.

22   The examiner can normally be reached on M-F 8-4.

1   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

2   supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

3   organization where this application or proceeding is assigned is 571-273-8300.

4   Information regarding the status of an application may be obtained from the Patent

5   Application Information Retrieval (PAIR) system. Status information for published applications

6   may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

7   applications is available through Private PAIR only. For more information about the PAIR

8   system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

9   system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

10   like assistance from a USPTO Customer Service Representative or access to the automated

11   information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12
13
14
15
16
17
18   /Matthew Henning/
19   Assistant Examiner
20   Art Unit 2131
21   12/6/2007

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100